



"The City With a Heart"

Jim Ruane, Mayor
Ken Ibarra, Vice Mayor
Rico E. Medina, Councilmember
Irene O'Connell, Councilmember
Michael Salazar, Councilmember

MINUTES

SAN BRUNO CITY COUNCIL

June 12, 2012

7:00 p.m.

1. CALL TO ORDER: THIS IS TO CERTIFY THAT the San Bruno City Council met on June 12, 2012 at the San Bruno Senior Center, 1555 Crystal Springs Rd., San Bruno, CA. The meeting was called to order at 7:00 p.m.

Mayor Ruane thanked the San Bruno Garden Club for the beautiful floral arrangement.

2. ROLL CALL/PLEDGE OF ALLEGIANCE: Presiding was Mayor Ruane, Council Members O'Connell, Medina and Salazar, Vice Mayor Ibarra was excused with notice. Recording by Clerk Bonner. **Interim City Attorney Rubens** led the Pledge of Allegiance.

3. ANNOUNCEMENTS:

Mayor Ruane said Phase II of the utility replacement project in the Crestmoor neighborhood would start next week. This project will replace water and sewer lines and storm drains in the fire damaged portion of the neighborhood. The construction will require periodic road closures during daytime working hours, as well as traffic detours throughout the neighborhood beginning on June 25. Glenview Dr. between San Bruno and Claremont Dr. will be closed from 8:00 a.m. until 5:00 p.m. for the entire week. A notice will be sent to the neighborhood. This project is expected to last from next week through the end of September. Phase III will start shortly thereafter in the fall. Construction updates are posted on the website at www.rebuildcrestmoor.org.

Mayor Ruane said James Hahn from San Bruno is competing in the US Open at the Olympic Club.

4. PRESENTATIONS: None.

5. REVIEW OF AGENDA: No changes.

6. APPROVAL OF MINUTES: Regular City Council Meeting of May 22, 2012 and City Council Study Session of June 6, 2012, approved as submitted.

7. CONSENT CALENDAR:

a. **Approve:** Accounts Payable of May 21, 29 and June 4, 2012 and Successor Agency Accounts Payable of May 21, 2012.

b. **Approve:** Payroll of May 20, 2012.

c. **Waive:** First Reading and Introduce Ordinance Imposing a 2.341% Rate Increase Requested by Recology San Bruno for 2012-13 to be Effective July 26, 2012 as Presented in the Notice of Proposed Increase Mailed to All Property Owners.

Councilmember Salazar pulled Item 7.c.

M/S Medina/O'Connell to approve 7.a. and 7b. on the Consent Calendar and passed with four Ayes, Vice Mayor Ibarra excused with notice..

Councilmember Salazar asked for clarification on the changes made to this ordinance since its original introduction.

Finance Director Juran said the change in the ordinance was the incorrect reference to the Health and Safety Code requiring a 2/3 vote of the Council to approve the ordinance.

Interim City Attorney Rubens said there was a recital in the initial ordinance that referred to The Health and Safety Code section that referred to a voting requirement that was not accurate. The ordinance is being reintroduced to make sure the ordinance has the correct language. The material terms of the ordinance are the same.

Councilmember Salazar asked the attorney, in his experience, if reference to the Health and Safety Code is fairly common? **Rubens** said the standard is wrong for general law cities, the 2/3 is not required.

City Manager Jackson said the Health and Safety Code reference is for a 2/3 voting requirement in the event that the collection of the fee or charge that is the subject of the ordinance whether the collection is via the property tax rolls. This is not the case here and has never been the case here. She said she didn't know why that language appeared and she believes it has been carried incorrectly for a number of years.

Councilmember Salazar and **Rubens** discussed the complication of the legislation. **Rubens** said in the City he supports, they just did their garbage rates a few weeks ago, it was done by ordinance and did not require a 2/3 vote. It is a rate setting procedure whereby the City Council sets the rates for the service that is provided through the Franchise Agreement with Recology.

Councilmember Salazar asked if someone challenged the City because the language has changed to a less stringent version, the worse case scenario, would we have to repeal the fee increase or could there be other consequences to the City? **Rubens** said that would entail a writ proceeding in Superior Court where someone would say Council did not follow the right procedure. The remedy in Court would be to do it the right way if it happened to be the wrong way, but the process the City is employing is the right way.

M/S Salazar/O'Connell to approve 7.c. and passed with four ayes. Vice Mayor Ibarra excused with notice.

8. PUBLIC HEARINGS: None.

9. PUBLIC COMMENT ON ITEMS NOT ON AGENDA:

Perry Peterson, Scenic Dr. said the agenda was not posted in the appropriate time. He spoke about the proposed water and sewer rates being a difference of 20% to 50%. He said this is a material difference from the way it has been advertised rather than what was presented. He suggested the solution is to calculate the rates the way they are now and then add on 9.8%. If these proposed rates go through, he said he would cut his water use and enough people did that, the City will have to raise their rates again or they won't have any money to spend on capital improvement projects. He said he was in favor of a rate increase full, but he was also in favor of full, accurate and timely public disclosure.

John Barrielier, N. San Anselmo suggested shopping for the firehouse could be done on line. He talked about the fire station being vacant when firefighters leave to go shopping.

Sara Glascock, N. San Anselmo talked about parking enforcement east of El Camino Real vs no parking enforcement on the west side of El Camino Real and offered suggestions.

Mayor Ruane asked the Chief to come back with a report. **Councilmember Medina** asked when the information is collected can it be sent to the resident. **City Manager Jackson** asked if this could be presented at the first meeting in July since it involves other departments? **Mayor Ruane** concurred.

10. CONDUCT OF BUSINESS:

a. Adopt Resolution Increasing the Capital Improvement Project Appropriation for the Sanitary Sewer Condition Assessment Project by \$440,000 for a Total Appropriation of \$1,435,000;

Adopt Resolution Authorizing the City Manager to Amend the Contract with Veolia (formerly JF Pacific Liners), Increasing the Contract Amount by \$319,000 for a total Contract Amount of \$1,239,000 for Sanitary Sewer Condition Assessment Project and Approving a Total Construction Contingency Amount of \$63,000;

Adopt Resolution Authorizing the City Manager to Approve a Contract with Holmes International in an Amount not to Exceed \$97,000 for Sanitary Sewer Condition Assessment Project Support and Oversight.

Public Services Director Fabry gave a brief overview and introduced **Wasterwater Manager Bosch** who gave a powerpoint overview. **Public Services Director Fabry** continued with an overview of the staff report and asked for questions.

Mayor Ruane wanted assurance there would be no videoing in the Crestmoor/Glenview area. **Fabry** said all of that area was done a year ago as part of the citywide overall inspection.

Councilmember Medina questioned a year ago? **City Manager Jackson** said during that time period, staff was actively evaluating the status of the infrastructure and amount of damage that might have occurred as a result of the explosion and resulting fire, so it was done as part of the ongoing inspection program. It also predated the decision-making and informed the decision-making about replacement of the entire Crestmoor infrastructure.

Councilmember Salazar asked about the discrepancy in the estate of overall miles of sewer pipes. **Fabry** responded that the reliability of the GIS information was low but has been improved over time. It is now about 95% accurate.

Councilmember Salazar asked about the construction risk. **Fabry** said the only risk is the length of the pipe, which could still be more than estimated. Staff can assist with other unknown issues.

Councilmember Salazar asked about when the video inspection would have to be repeated? **Fabry** responded that video inspections are required after repairs and possibly the entire system may have to be re-inspected at some future time. Most cities have developed the ability to video inspect themselves. San Bruno will have to determine whether to develop those skills internally.

The consultant will help prioritize areas for spot repairs. Last year we went from 50 SSOs to 18. This year we have had 9. No SSOs have been reported in 2 months. Three trouble spots were identified by video inspection.

Councilmember Salazar asked about the billing for the oversight contract. **Fabry** said previously there was no contract but certain tasks were assigned to a number of consultants. The current contract covers quality control and assistance understanding all the video information not just the 22 new miles. They will identify the 50 worst areas based on the video.

Councilmember Salazar asked if laterals were included in the estimated lengths of sewer pipe. **Fabry** said only mains were included in that number. There are no plans to inspect all the laterals. Homeowners are responsible for most of the laterals in the City. The Bay Keeper agreement does not hold the City responsible for lateral SSOs.

Councilmember Medina said there was an assumption of around 63 miles. We were 22 miles short, and the Quality Board alluded to about 77 miles we had in the City. Why the discrepancy? When did we come up with this and where are the 22 miles? **Fabry** said the process took place in 2009-2010 and it was based on the knowledge and information provided to them at that time.

Councilmember Medina asked if there is a deadline for this videoing to be completed? **Fabry** said it was included in the agreement with the Bay Keepers that it has to be finished by the end of June of this year. **Councilmember Medina** questioned it being done by the end of this month with us short 22 miles? **Fabry** said it was included in the agreement and the City notified them of a need for an extension, which they gave us until the end of July. **Councilmember Medina** asked when we discovered the extra 22 miles? **Fabry** said February. **Councilmember Medina** asked how we are proceeding? **Fabry** said in the last month or so there have three crews working during the weekdays going about three miles a week.

Councilmember Medina questioned the number of individuals hired to do this project and asked if this was because it was too technical. **Fabry** said this project would result in a searchable database on how the City can use the information. The CMMS is a management system, which is up and running in the sewer division, started in 2008. It was implemented for proactive maintenance planning activity at the beginning of this year. The Management Analyst position has been budgeted for a few years. The consultant expertise is necessary to provide technical support for this project.

Councilmember Medina expressed his concern that we bring on a program, and we don't have it fully running in all the departments, it is too technical and we need to bring in people to bring us up to speed, and the bottom line is the cost. He asked if the consultant has assisted us in other projects? **Fabry** concurred.

Councilmember O'Connell asked if every five years the video must be done? **Fabry** said the five years were included in the contract. It is also a State requirement.

Councilmember O'Connell asked about the data we are going to receive and the expertise the consultants are bringing to us, is anyone being trained in staff to deal with that? **Fabry** said there will need to be a certain degree of high expertise on an ongoing basis to be sure the City is up to the latest requirements. She said they intend to train other classifications in the City.

Mayor Ruane said the reduction in SSOs is very gratifying.

Councilmember Salazar said the State requires us to have an action plan but it does not specify what needs to be in the plan.

Councilmember Salazar said he believes the State requires us to have an action plan but it does not specify specifically what needs to be in the action plan. He said the only two methods available to us is either crawling down and looking at it or sending a camera in.

Councilmember Salazar introduced the resolution Increasing the Capital Improvement Project and passed with four ayes, Vice Mayor Ibarra excused with notice.

Councilmember O'Connell introduced the resolution to Amend the Contract with Veolia and passed with four ayes, Vice Mayor Ibarra excused with notice.

Councilmember O'Connell introduced the resolution to Approve a Contract with Holmes International and passed with four ayes, Vice Mayor Ibarra excused with notice.

b. Adopt Resolution Authorizing the City Manager to Execute a Contract with the San Bruno Park School District to Provide an After School Recreation Program at Belle Air School.

Community Services Director Schwartz gave an overview of the staff report and asked for questions.

Councilmember Medina said it looks like we are facilitating this and the district has the final stay? **Schwartz** said the district has the grant through the State of CA so they have to have the final approval; however, City staff will work with the parents.

Councilmember Medina asked about the District checking in? **Schwartz** said they are not allowed to walk home; they have to be picked up on site. The District does have responsibility until they check in.

Councilmember Salazar asked about staff? **Schwartz** said additional staff would have to be hired.

Councilmember Salazar asked how much goes to administration? **Schwartz** said 15%. Councilmember Salazar asked if the school district gets any overhead for handling the grant? **Schwartz** said he believed 5% off the top. **Councilmember Salazar** asked if \$106,000 the same price they were paying the private contractor. **Schwartz** said he would assume so.

Councilmember Salazar introduced the resolution to execute a contract with the San Bruno Park School District and passed with four ayes, Vice Mayor Ibarra excused with notice.

c. Authorize Fireworks Stand Permits for 2012 Upon Finding that the Non-Profit Organizations Meet Requirements of Resolution 2008-59 and Ordinance No. 1700.

City Clerk Bonner gave a brief overview of the staff report and asked for approval.

M/S O'Connell/Salazar and passed with four ayes, Vice Mayor Ibarra excused with notice.

11. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES: None.

12. COMMENTS FROM COUNCIL MEMBERS: None.

13. CLOSED SESSION: Posted as a Special Meeting following this Council meeting.

14. ADJOURNMENT:

Mayor Ruane closed the meeting at 8:40 p.m. The next regular City Council Meeting will be held on June 26, 2012 at 7:00 p.m. at the Senior Center, 1555 Crystal Springs Road, San Bruno.

Respectfully submitted for approval
at the regular City Council Meeting of
June 26, 2012

Carol Bonner, City Clerk

Jim Ruane, Mayor